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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

The PRESIDING OFFICER. Today's prayer will be offered by guest Chaplain John K. Jenkins, Sr., Pastor at First Baptist Church of Glenarden, Landover, MD.

PRAYER

The guest Chaplain offered the following prayer:

Shall we pray.

Heavenly Father, I come before Your presence to thank You and praise You for this day. I thank You for Your goodness and Your mercy. I thank You for Your grace and love that You have extended to us every day.

Father, I come to You today to thank You for the honor and privilege of living in this great and marvelous country. I thank You for our freedom and for the ability to worship You and serve You freely. We do not consider it lightly that You have given us this opportunity, and we thank You.

I cry out to You this day, Heavenly Father, for our Nation—for the people of this country. I cry out for the mothers and fathers. I pray for their children. I cry out for our school systems, police departments, government agencies and businesses. Please allow this Nation to be one that will honor You and Your ways.

Lord, I beseech Your throne this day on behalf of these prominent leaders of our Nation. Give them Your truth and Your direction. Give them Your wisdom and Your power. I pray for each of these Senators and their families—their spouses and their children. I pray for the people whom these men and women represent. I ask that You meet their needs and prove Yourself strong to each of them.

Finally, Father, I close this prayer by giving You thanks and praise for what You have already done, for what You are doing, and for what You are

going to do. I thank You now and I pray this prayer in the Mighty Name of my resurrected Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 10, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, we will have morning business until 11 a.m. At 11 o'clock, we will resume the bankruptcy legislation and immediately proceed to three consecutive rollcall votes. Those votes are on the Kennedy amendments Nos. 70 and

69, and the Akaka amendment No. 105. Under the order from last night, we will then have another series or two of stacked votes throughout the day in order to finish the bill.

We will vote on final passage of the bankruptcy bill later today. It is going to be a very busy day, with many rollcall votes over the course of today. Therefore, I encourage all Members to remain close to the floor. We will limit all votes, after the first in the series, to 10 minutes in length. I encourage my colleagues to stay nearby so that we do not have to extend this limit. It is always difficult, and we always have excuses as people come in a few minutes late, but on a day like today we need—we will; not need—we will finish this bill. We will have a lot of votes over the course of today. We have to have all of our colleagues understand that they need to come and vote, and vote on time.

Over the course of the day, we will consider the bankruptcy bill. It is a bill we have worked on for not just the last 2 weeks solidly but really for the last about 7 years or 8 years, almost in the same form that is being addressed today. It has been talked about, has been discussed, has been debated, and has been modified.

Later today, we will have a great victory again for the American people in passing the bill that I expect will pass with overwhelming bipartisan support. The issues that we are talking about are not Democrat issues or Republican issues; they really are American issues. Today, people will be able to look back over the course of the last 2 weeks, and really this whole 109th Congress, and say that we are doing what the American people want, what they deserve; that is, to govern with meaningful solutions to the very real challenges, the very real problems in people's lives, whether it is in Tennessee or Florida or Nevada or California, all over this country. So I am very pleased with the activity on the floor of the Senate.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Over the course of the day, the Budget Committee will also be marking up the budget proposal. Once that markup is completed, we will bring that to the floor. I would very much like to be able to start that bill, if at all possible, tomorrow. Under the rules of the Senate, after that bill comes to the floor, we will spend 50 hours on that bill, and we will have a number of votes.

Once again, historically, or in the recent past, we have had amendment after amendment after amendment. The Democratic leader and I have, over the last week, been engaged in discussions on how we can help the managers of that bill limit the amendments to those amendments that really are important and substantive and to have a good discussion between us and between the managers, among all the Senators, so we can coordinate how to bring those amendments to the floor and have them voted upon so that we do not, at the end of the day, or at the end of that 50 hours, have 30, 40, 50, 60, 70, 80, 90 amendments, which we have seen in the past. It is not necessary.

If we can work together over the course of the next 8 or 9 days, I believe we can take what can be very chaotic on the floor and give it some definition and make it clear to people we want their ideas heard, we want them debated within the 50 hours, we want to have them voted upon, but we can do it in a way that brings order out of this sometimes chaotic process.

With that, Mr. President, I will yield the floor, looking forward to a very full day. We will be in session tomorrow. I would think—and I will have more to say a little bit later, but in talking to the Democratic leader, if we can complete the budget today in committee, and I believe we can, and if we complete this bankruptcy bill, which we will, then I would think we probably would not have to have rollcall votes tomorrow. We will be in session tomorrow. I put both of those “ifs” in there because we have to move forward and accomplish the business before us. If we were unable to finish those two things, we would have to be in tomorrow with rollcall votes.

But our goal is to complete the markup on the budget and complete the bankruptcy bill today. I would like to do it in the late afternoon. If not, we will go into the evening until we complete both.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 11 a.m., with the time equally divided between the leaders or their designees.

The Senator from Massachusetts.

BANKRUPTCY REFORM

Mr. KENNEDY. I yield myself such time as I might use.

Mr. President, I speak now in morning business because at 11 o'clock we will have a continuation of votes in the Senate on the bankruptcy bill. Then we will have a series of votes later on in the afternoon, with a time to be designated by the leadership. Then we will move to final passage. There would not be otherwise an opportunity to express my views about the bankruptcy bill in general and on a number of the items we have debated and on which we have failed to persuade the majority of our colleagues. I want to reference those in my remarks this morning.

America at its best is when we are united in common cause and a unified purpose. We came together to overcome the Great Depression. We came together to fight two world wars against tyranny. We came together in the Cold War years to contain and defeat Communism. We came together to fight polio, to explore the heavens, and to create a secure retirement for our seniors. We came together after much struggle to expand the circle of opportunity in America for civil rights, voting rights, disability rights, and women's rights. We came together on 9/11 as a nation determined to fight terrorism and defend our land.

As Americans, we know how to come together to achieve great goals, to make stronger our communities, our families, our economy, our schools, and our nation. That is the America I believe in. That is the America I fight for every day. An America where we are joined arm in arm to advance the cause of opportunity, freedom, and fairness for all of our people.

But this legislation breaks the bond that unites America, the bond that makes our country strong. It says the concerns of low and middle-income families don't matter. They no longer have a voice in the United States Senate. What matters are the special interests. This bill sacrifices the hopes and dreams of average Americans to the rampant greed of the credit card industry. It turns the United States Senate into a collection agency for the credit card companies, reaching the long arm of the law into the pocketbooks of average Americans who have reached the end of their economic rope.

That is wrong. That is not what we should be doing here. We have a responsibility to the people to fight for them and their needs, not to do the bidding of the almighty credit card companies.

A lot of people are going to be pained with this bill. Make no mistake. The

idea that this bill is focused on spendthrifts is laughable when the other side admits that the most we have in terms of spendthrifts is maybe 10 percent of the total of those who go into bankruptcy, and most of the bankruptcy attorneys say it is anywhere from 5 to 7 percent. We are picking up all these individuals who are going to be forced to pay and be treated more harshly with this bill than they otherwise would be under the regular Bankruptcy Act.

Our bankruptcy laws are intended to give families a second chance. As Americans, we believe that if you work hard, live responsibly, but fall on hard times, our bankruptcy laws should be there to help you get back on your feet. If you get sick and face a mountain of medical bills, if you face divorce and no longer have two incomes to support your family, if your job gets sent overseas, then Americans believe you should have an opportunity to rebuild your lives.

These are the principal causes for bankruptcy. We know that more children drop out of college every single year, not academically, but because of the cost of student loans. They can't pay them. We have been through this during the course of the debate. If you have a heart attack, if you are diagnosed with cancer, even if you have health insurance, you basically have overwhelming bills and more often than not get thrown into bankruptcy. If you get divorced—as we will have a chance to vote on—200,000 women don't receive alimony and don't receive child support, these are hard-working Americans who are going to get thrown into bankruptcy. And rather than be let out so that they will have a new chance and a new opportunity in life because they have done nothing wrong, they are going to be tied up and paying the credit card companies for the next 5 years. That is the way this bill works.

This bill changes everything. It takes dozens and dozens of bankruptcy rules and rewrites every single one of them in favor of the credit card industry. Yesterday, we witnessed the powerful grip of this industry over the Republican Party. The Republicans defeated amendment after amendment after amendment after amendment that tried to give average Americans a fair chance when they face the credit card company lawyers in bankruptcy court. But when it appeared that a special interest loophole for the financial services industry threatened to be closed by the Leahy-Sarbanes-Warner amendment, the Republicans shut down the Senate.

It is not as if the credit card industry is suffering. As we can see from this chart, the profits are in the billions of dollars: \$6.4 billion 1990; \$12.9 billion in 1995; \$20.5 billion in 2000; and they expect as a result of this bill that it will be 5 billion more dollars in profits. That is what this bill will mean. Over who? Over the families going into bankruptcy because of a heart attack, a stroke, children who have spina